

Serial No. 10/078,274

### REMARKS

Claims 1-10 were pending in the present application. Claims 1, 2, and 7 are canceled without prejudice or disclaimer herein, thus claims 3-6 and 8-10 are now pending in the present application. Reconsideration of the present application in view of the above amendments and the following remarks is respectfully requested.

Claims 1, 2, 6, 7, and 10 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Markman U.S. Patent No. 5,952,834 in view of He et al. U.S. Patent Application No. 2002/0088865 A1 and Garber et al. U.S. Patent Application No. 2002/0167406 A1.

Claims 1, 2, and 7 have been cancelled and claim 6 and 10, by virtue of depending from claims 3 and 8 indicated allowable if rewritten, are believed allowable in that claims 3 and 8 have been rewritten as further noted below. It is submitted therefore that the rejection has been rendered moot.

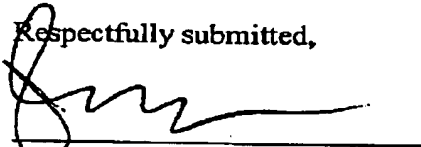
The indication of allowability with regard to claims 3-5, 8, and 9 is noted with appreciation. Claims 3 and 8 are re-written in independent form and thus claims 3-6, 9, and 10 are now in condition for allowance.

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In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance and a timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

  
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